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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0302-PWS-E TCEQ ID: RN101278083 CASE NO.: 32826**  
**RESPONDENT NAME: SWENSON WATER SUPPLY CORPORATION**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 400 County Road 314, Swenson, Stonewall County

**TYPE OF OPERATION:** Public water system

**SMALL BUSINESS:** ☒ Yes ☐ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired May 18, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Benjamin O. Thompson Litigation Division, MC 175, (512) 239-1297  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Mr. Tel Croston, Water Enforcement Section, MC 169, (512) 239-5717

**TCEQ Regional Contact:** Mr. Cliff Moore, Abilene Regional Office, MC R-3, (325) 698-9674

**Respondent:** Ms. Shirley Freeman, Secretary/Treasurer, Swenson Water Supply Corporation, 950 C.R. 316, Aspermont,  
Texas 79502

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>  None</p> <p><b>Date of Investigation Relating to this Case:</b>  February 1, 2007</p> <p><b>Date of NOE Relating to this Case:</b>  February 20, 2007</p> <p><b>Background Facts:</b>  The EDPRP was filed August 16, 2007. The Agreed Order was signed February 9, 2009.</p> <p><b>Current Compliance Status:</b>  Violation nos. 1 and 8 have been corrected.</p> <p><b>PWS:</b></p> <ol style="list-style-type: none"> <li>Failed to submit a copy of the well completion data for wells Nos. 1 and 2 to the Commission's Water Utilities Section [30 TEX. ADMIN. CODE § 290.41(c)(3)].</li> <li>Failed to compile a plant operation manual and to keep it up-to-date for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</li> <li>Failed to maintain the exterior surface of the ground storage tank in accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].</li> <li>Failed to provide a properly constructed intruder-resistant fence around the pressure tank [30 TEX. ADMIN. CODE § 290.43(e)].</li> <li>Failed to maintain for two years, records of weekly chemical use, amount of water treated each week, dates that ground storage tanks and other facilities were cleaned, and maintenance records of all water system equipment and facilities and for at least ten years, records of monthly operating reports [30 TEX. ADMIN. CODE § 290.46(f)(3)(A) and (E)].</li> </ol>	<p><b>Total Assessed:</b> \$2,250</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b>  \$150/\$2,100</p> <p>The Respondent paid \$150 of the administrative penalty. The remaining amount of \$2,100 of the administrative penalty shall be payable in twenty one monthly payments of \$100 each.</p> <p><b>Site Compliance History Classification</b>  N/A</p> <p><b>Person Compliance History Classification</b>  N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Action Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> <li>On March 3, 2008, submitted a copy of the well completion data; and</li> <li>On October 17, 2007, adopted a service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.</li> </ol> <p><b>Ordering Provision(s):</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Within 30 days: <ol style="list-style-type: none"> <li>Compile a plant operation manual, which must be kept up-to-date and available for operators to review and reference;</li> <li>Repair and maintain the exterior storage tank surface in accordance with AWWA standards;</li> <li>Repair the intruder-resistant fencing around the pressure tank;</li> <li>Begin maintaining copies of records of weekly chemical usage, the dates that ground storage tanks and other facilities were cleaned, and of water system equipment and facilities;</li> <li>Begin maintaining documentation of the disinfection of new or repaired lines;</li> <li>Begin maintaining a minimum 30 day supply of calcium hypochlorite for disinfecting purposes;</li> <li>Begin completing service inspection certifications prior to providing continuous water service to new construction, and on existing service;</li> <li>Begin documenting the flushing of dead end mains performed at monthly intervals or more often than monthly intervals in response to water quality complaints;</li> </ol> </li> </ol>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>6. Failed to document disinfection of new or repaired lines in accordance with AWWA standards [30 TEX. ADMIN. CODE § 290.46(g)].</p> <p>7. Failed to have a supply of calcium hypochlorite on hand for use when making repairs, setting meters and disinfecting new mains prior to placing them in service [30 TEX. ADMIN. CODE § 290.46(h)].</p> <p>8. Failed to adopt a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement [30 TEX. ADMIN. CODE § 290.46(i)].</p> <p>9. Failed to issue a customer service inspection certificate prior to providing continuous water service on any existing service [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>10. Failed to document the flushing of dead end mains at monthly intervals or as needed if water quality complaints are received [30 TEX. ADMIN. CODE § 290.46(l)].</p> <p>11. Failed to conduct and record the results of annual inspections for the ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>12. Failed to conduct and record the results of annual inspections for the pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>13. Failed to maintain an accurate and up-to-date distribution map so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>14. Failed to document the results of weekly disinfectant residual monitoring [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)].</p> <p>15. Failed to submit a quarterly distribution report to the TCEQ by the tenth day of the month following the reporting period [30 TEX. ADMIN. CODE § 290.110(e)(4) and (5)].</p> <p>16. Failed to provide water that meets the Commission's secondary constituent levels ("SCL") for Chloride (300 mg/L), Sulfate (300 mg/L), and Total Dissolved Solids (1000 mg/L) [30 TEX. ADMIN. CODE § 290.118(b)].</p> <p>17. Failed to maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].</p>		<p>i. Conduct and record the results of the annual inspection for the ground storage tank;</p> <p>j. Begin maintaining an up-to-date map of the distribution system showing the location of all valves and mains;</p> <p>k. Begin documenting results of weekly disinfectant residual monitoring;</p> <p>l. Begin submitting quarterly distribution reports no later than the tenth day of the month following the reporting period;</p> <p>m. Conduct and record the results of annual inspections of the pressure tank; and</p> <p>n. Develop and maintain an up-to-date chemical and microbiological monitoring plan.</p> <p>2. Within 60 days, conduct a feasibility investigation which will evaluate alternate water sources and viable treatment technologies to correct Chloride, Sulfate, and Total Dissolved Solids violations. The investigation is to be repeated at three year intervals as long as Total Dissolved Solids violations exist.</p> <p>3. Within 75 days:</p> <p>a. Submit a written report of each feasibility investigation to the TCEQ; and</p> <p>b. Submit written certification to demonstrate compliance with these Ordering Provisions.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	20-Feb-2007	<b>Screening</b>	28-Feb-2007	<b>EPA Due</b>	
	<b>PCW</b>	15-Aug-2007				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Swenson Water Supply Corporation		
<b>Reg. Ent. Ref. No.</b>	RN101278083		
<b>Facility/Site Region</b>	3-Abilene	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	32826	<b>No. of Violations</b>	17	
<b>Docket No.</b>	2007-0302-PWS-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Tel Croston	
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$2,250

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 0% Enhancement **Subtotals 2, 3, & 7** \$0

**Notes** No change due to no previous compliance history.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$237  
Approx. Cost of Compliance \$5,225  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$2,250

### OTHER FACTORS AS JUSTICE MAY REQUIRE

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount** \$2,250

### STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** \$2,250

### DEFERRAL

**Reduction Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral offered for non-expedited case.

**PAYABLE PENALTY** \$2,250

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No change due to no previous compliance history.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)

Violation Description

Failed to submit a copy of the well completion data for wells Nos. 1 and 2 to the Commission's Water Utilities Section.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 2

27 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events (one for each well) are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$200

This violation Final Assessed Penalty (adjusted for limits) \$200

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation

Case ID No. 32826

Reg. Ent. Reference No. RN101278083

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	1-Feb-2007	1-Dec-2007	0.8	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to compile and submit well completion data to the Commission, from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$21

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description

Failed to compile a plant operation manual and to keep it up-to-date for operator review and reference.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100



## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation

Case ID No. 32826

Reg. Ent. Reference No. RN101278083

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	1-Feb-2007	1-Nov-2007	0.7	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to compile and maintain a plant operations manual, from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$7

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(8)

Violation Description Failed to maintain the exterior surface of the ground storage tank in accordance with American Water Works Association (AWWA) standards.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to paint the exterior walls of the ground storage tank could cause a loss of tank integrity and expose customers of the water supply to significant amounts of contamination at levels that are not protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one  
with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$250

One monthly event is recommended from the February 1, 2007 investigation date, to the February 28, 2007 screening date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

## Economic Benefit Worksheet

**Respondent** Swenson Water Supply Corporation  
**Case ID No.** 32826  
**Reg. Ent. Reference No.** RN101278083  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	1-Feb-2007	1-Nov-2007	0.7	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to paint the ground storage tank, from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$9

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.43(e)

Violation Description

Failed to provide a properly constructed intruder-resistant fence around the pressure tank. Specifically it was noted during the investigation that the pressure tank was not protected by an intruder-resistant fence.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to secure the pressure tank with an intruder-resistant fence could expose human health to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One monthly event is recommended from the February 1, 2007 investigation date, to the February 28, 2007 screening date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation

Case ID No. 32826

Reg. Ent. Reference No. RN101278083

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Feb-2007	1-Nov-2007	0.7	\$56	n/a	\$56

Notes for DELAYED costs

Estimated cost to secure the pressure tank from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$56

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 5

Rule Cite(s)

30 Tex. Admin Code § 290.46(f)(3)(A) and (E)

Violation Description

Failed to maintain for two years, records of weekly chemical use, amount of water treated each week, dates that ground storage tanks and other facilities were cleaned, and maintenance records of all water system equipment and facilities and for at least ten years, records of monthly operating reports.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation  
 Case ID No. 32826  
 Reg. Ent. Reference No. RN101278083  
 Media Public Water Supply  
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	1-Feb-2007	1-Nov-2007	0.7	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to prepare and maintain the required records, from the date of the investigation to the estimated date of compliance.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$7

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 6

Rule Cite(s)

30 Tex. Admin Code § 290.46(g)

Violation Description

Failed to document disinfection of new or repaired lines in accordance with AWWA standards.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27

Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100



## Economic Benefit Worksheet

**Respondent** Swenson Water Supply Corporation  
**Case ID No.** 32826  
**Reg. Ent. Reference No.** RN101278083  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$150	1-Feb-2007	1-Nov-2007	0.7	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to compile and maintain the required reports, from the date of the investigation to the estimated date of compliance.

<b>Avoided Costs</b>		<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$6

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.46(h)

Violation Description

Failed to have a supply of calcium hypochlorite on hand for use when making repairs, setting meters and disinfecting new mains prior to placing them in service.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have calcium hypochlorite on hand for repairs and disinfecting could expose human health to significant amounts of contamination which would not exceed levels protective of human health.

Adjustment \$900

\$100

## Violation Events

1

27 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended from the February 1, 2007 investigation date, to the February 28, 2007 screening date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation

Case ID No. 32826

Reg. Ent. Reference No. RN101278083

Media Public Water Supply

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	1-Feb-2007	1-Nov-2007	0.7	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost of a one month supply of calcium hypochlorite, from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$7

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(i)

Violation Description

Failed to adopt a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

1

27

Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation

Case ID No. 32826

Reg. Ent. Reference No. RN101278083

Media Public Water Supply

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$350	1-Feb-2007	1-Dec-2007	0.8	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to prepare and initiate a plumbing ordinance, regulation or service agreement, from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

TOTAL

\$15

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 290.46(j)

Violation Description

Failed to issue a customer service inspection certificate prior to providing continuous water service on any existing service.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation  
 Case ID No. 32826  
 Reg. Ent. Reference No. RN101278083  
 Media Public Water Supply  
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$350	1-Feb-2007	1-Nov-2007	0.7	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to prepare and maintain a customer service certification from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

TOTAL

\$13

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.46(l)

Violation Description

Failed to document the flushing of dead end mains at monthly intervals or as needed if water quality complaints are received.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100



## Economic Benefit Worksheet

**Respondent** Swenson Water Supply Corporation  
**Case ID No.** 32826  
**Reg. Ent. Reference No.** RN101278083  
**Media** Public Water Supply  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$150	1-Feb-2007	1-Nov-2007	0.7	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to prepare and maintain the required documentation from the date of the investigation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

**TOTAL**

\$6

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description

Failed to conduct and record the results of annual inspections for the ground storage tank.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Complete failure to perform an inspection of the tank could result in the non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination that would not exceed levels that are protective of human health.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$100

One annual event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

**Respondent** Swenson Water Supply Corporation  
**Case ID No.** 32826  
**Reg. Ent. Reference No.** RN101278083  
**Media** Public Water Supply  
**Violation No.** 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$150	1-Feb-2007	1-Nov-2007	0.7	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to conduct and document annual tank inspection, from the date of the investigation to the estimated date of compliance.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$6

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

V12 12

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description

Failed to conduct and record the results of annual inspections for the pressure tank.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Complete failure to perform an inspection of the tanks could result in the non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$250

One annual event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation

Case ID No. 32826

Reg. Ent. Reference No. RN101278083

Media Public Water Supply

Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	1-Feb-2007	1-Nov-2007	0.7	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to conduct and document annual tank inspection from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$9

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 13

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(2)

Violation Description

Failed to maintain an accurate and up-to-date distribution map so that valves and mains can be easily located during emergencies.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation

Case ID No. 32826

Reg. Ent. Reference No. RN101278083

Media Public Water Supply

Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$350	1-Feb-2007	1-Nov-2007	0.7	\$13	n/a	\$13

Notes for DELAYED costs

Estimate cost to prepare and maintain a map of the facility distribution system, from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

TOTAL

\$13

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 14

Rule Cite(s)

30 Tex. Admin. Code § 290.110(c)(5)(A)

Violation Description

Failed to document the results of weekly disinfectant residual monitoring.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100



## Economic Benefit Worksheet

**Respondent** Swenson Water Supply Corporation  
**Case ID No.** 32826  
**Reg. Ent. Reference No.** RN101278083  
**Media** Public Water Supply  
**Violation No.** 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$150	1-Feb-2007	1-Nov-2007	0.7	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to create and maintain the required documents, from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$6

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 15

Rule Cite(s)

30 Tex. Admin. Code § 290.110(e)(4) and (5)

Violation Description

Failed to submit a quarterly distribution report to the TCEQ by the tenth day of the month following the reporting period.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended from the February 1, 2007 investigation, to the February 28, 2007 screening date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation

Case ID No. 32826

Reg. Ent. Reference No. RN101278083

Media Public Water Supply

Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$75	1-Feb-2007	1-Nov-2007	0.7	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to prepare and submit the required records, from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$75

TOTAL

\$3

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 16

Rule Cite(s)

30 Tex. Admin. Code § 290.118(b)

Violation Description

Failed to provide water that meets the Commission's secondary constituent levels (SCL) for Chloride (300 mg/L), Sulfate (300 mg/L), and Total Dissolved Solids (1000 mg/L). Samples collected on August 18, 2004 indicated the presence of Chloride at 558 mg/L, Sulfate at 493 mg/L and Total Dissolved Solids at 2016mg/L.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Distribution of water exceeding SCLs has resulted in exposure to an insignificant amount of pollutants which do not exceed health-based standards.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty \$100

One annual event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

Respondent Swenson Water Supply Corporation

Case ID No. 32826.

Reg. Ent. Reference No. RN101278083

Media Public Water Supply

Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$300	8-Aug-2004	1-Dec-2007	3.3	\$50	n/a	\$50

Notes for DELAYED costs

Estimated cost to ensure the required standards are met, from the date the violation was detected to the estimated date of compliance.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$50

Screening Date 28-Feb-2007

Docket No. 2007-0302-PWS-E

PCW

Respondent Swenson Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32826

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101278083

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 17

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a)

Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

**Respondent** Swenson Water Supply Corporation  
**Case ID No.** 32826  
**Reg. Ent. Reference No.** RN101278083  
**Media** Public Water Supply  
**Violation No.** 17

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Feb-2007	1-Nov-2007	0.7	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to prepare and maintain a monitoring plan, from the date of the investigation to the estimated date of compliance.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100
TOTAL \$4

# Compliance History

Customer/Respondent/Owner-Operator:	CN600705446	SWENSON WSC	Classification:	Rating:
Regulated Entity:	RN101278083	SWENSON WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE		2170002 2170002
Location:	400 CR 314, SWENSON, TX, 79502			
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	March 05, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 05, 2002 to March 05, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Tel Croston	Phone:	239-5717	

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 02/16/2007 (540565)  
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SWENSON WATER SUPPLY  
CORPORATION,  
RN101278083**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0302-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Swenson Water Supply Corporation ("Swenson WSC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Swenson WSC, appear before the Commission and together stipulate that:

1. Swenson WSC owns and operates a public water system located in 400 County Road 314 Swenson, Stonewall County, Texas (the "Facility") that has twenty-five service connections and serves at least 25 people per day for at least 60 days per year.
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and Swenson WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that Swenson WSC is subject to the Commission's jurisdiction.
4. Swenson WSC received notice of the violations alleged in Section II ("Allegations") on or about February 25, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Swenson WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of two thousand two hundred fifty dollars (\$2,250.00) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). Swenson WSC has paid one hundred fifty dollars (\$150.00) of the administrative penalty. The remaining amount of two thousand one hundred dollars (\$2,100.00) of the administrative penalty shall be payable in twenty one monthly payments of one hundred dollars (\$100.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Swenson WSC fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Swenson WSC to meet the payment schedule of this Agreed Order constitutes the failure by Swenson WSC to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Swenson WSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Swenson WSC implemented the following corrective measures at the Facility in response to this enforcement action:
  - a. Submitted a copy of the well completion data on March 3, 2008; and
  - b. Adopted a service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted on October 17, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Swenson WSC has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

Swenson WSC, as owner and operator of the Facility, is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 290.41(c)(3), by failing to submit a copy of the well completion data for wells Nos. 1 and 2 to the Commission's Water Utilities Section, as documented on February 1, 2007;
2. 30 TEX. ADMIN. CODE § 290.42(l), by failing to compile a plant operation manual and to keep it up-to-date for operator review and reference, as documented on February 1, 2007;
3. 30 TEX. ADMIN. CODE § 290.43(c)(8), by failing to maintain the exterior surface of the ground storage tank in accordance with American Water Works Association ("AWWA") standards, as documented on February 1, 2007;
4. 30 TEX. ADMIN. CODE § 290.43(e), by failing to provide a properly constructed intruder-resistant fence around the pressure tank. Specifically, it was noted during the investigation that the pressure tank was not protected by an intruder-resistant fence, as documented on February 1, 2007;
5. 30 TEX. ADMIN. CODE § 290.46(f)(3)(A) and (E), by failing to maintain for two years, records of weekly chemical use, amount of water treated each week, dates that ground storage tanks and other facilities were cleaned, and maintenance records of all water system equipment and facilities and for at least ten years, records of monthly operating reports, as documented on February 1, 2007;
6. 30 TEX. ADMIN. CODE § 290.46(g), by failing to document disinfection of new or repaired lines in accordance with AWWA standards, as documented on February 1, 2007;
7. 30 TEX. ADMIN. CODE § 290.46(h), by failing to have a supply of calcium hypochlorite on hand for use when making repairs, setting meters and disinfecting new mains prior to placing them in service, as documented on February 1, 2007;
8. 30 TEX. ADMIN. CODE § 290.46(i), by failing to adopt a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement, as documented on February 1, 2007;
9. 30 TEX. ADMIN. CODE § 290.46(j), by failing to issue a customer service inspection certificate prior to providing continuous water service on any existing service, as documented on February 1, 2007;

10. 30 TEX. ADMIN. CODE § 290.46(l), by failing to document the flushing of dead end mains at monthly intervals or as needed if water quality complaints are received, as documented on February 1, 2007;
11. 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), by failing to conduct and record the results of annual inspections for the ground storage tank, as documented on February 1, 2007;
12. 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), by failing to conduct and record the results of annual inspections for the pressure tank, as documented on February 1, 2007;
13. 30 TEX. ADMIN. CODE § 290.46(n)(2), by failing to maintain an accurate and up-to-date distribution map so that valves and mains can be easily located during emergencies, as documented on February 1, 2007;
14. 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), by failing to document the results of weekly disinfectant residual monitoring, as documented on February 1, 2007;
15. 30 TEX. ADMIN. CODE § 290.110(e)(4) and (5), by failing to submit a quarterly distribution report to the TCEQ by the tenth day of the month following the reporting period, as documented on February 1, 2007;
16. 30 TEX. ADMIN. CODE § 290.118(b), by failing to provide water that meets the Commission's secondary constituent levels ("SCL") for Chloride (300 mg/L), Sulfate (300 mg/L), and Total Dissolved Solids (1000 mg/L). Samples collected on August 18, 2004 indicated the presence of Chloride at 558 mg/L, Sulfate at 493 mg/L and Total Dissolved Solids at 2016 mg/L, as documented on February 1, 2007; and
17. 30 TEX. ADMIN. CODE § 290.121(a), by failing to maintain an up-to-date chemical and microbiological monitoring plan, as documented on February 1, 2007.

### III. DENIALS

Swenson WSC generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Swenson WSC pay administrative penalties as set forth in Section I, Paragraph 6 above. The payment of these administrative penalties and Swenson WSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only those matters described here. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here.

Administrative penalty payments shall be sent with the notation "Re: Swenson Water Supply Corporation; Docket No. 2007-0302-PWS-E"; Enforcement ID No. 32826 to:

Financial Administration Division, Revenues  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Swenson WSC shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Compile a plant operation manual, as required by 30 TEX. ADMIN. CODE § 290.42(l). The manual must be kept up-to-date and available for operators to review and reference;
    - ii. Repair and maintain the exterior storage tank surface in accordance with AWWA standards, as required by 30 TEX. ADMIN. CODE § 290.43;
    - iii. Repair the intruder-resistant fencing around the pressure tank, as required by 30 TEX. ADMIN. CODE § 290.41(c);
    - iv. Begin maintaining copies of records of weekly chemical usage, the dates that ground storage tanks and other facilities were cleaned, and of water system equipment and facilities, as required by 30 TEX. ADMIN. CODE § 290.46(f);
    - v. Begin maintaining documentation of the disinfection of new or repaired lines, as required by 30 TEX. ADMIN. CODE § 290.46;
    - vi. Begin maintaining a minimum 30 day supply of calcium hypochlorite for disinfecting purposes, as required by 30 TEX. ADMIN. CODE § 290.46;
    - vii. Begin completing service inspection certifications prior to providing continuous water service to new construction, and on any existing service, as required by 30 TEX. ADMIN. CODE § 290.46;
    - viii. Begin documenting the flushing of dead end mains performed at monthly intervals or more often than monthly intervals in response to water quality complaints, as required by 30 TEX. ADMIN. CODE § 290.46.

- ix. Conduct and record the results of the annual inspection for the ground storage tank, as required by TEX. ADMIN. CODE § 290.46
  - x. Begin maintaining an up-to-date map of the distribution system showing the location of all valves and mains, as required by 30 TEX. ADMIN. CODE § 290.46;
  - xi. Begin documenting results of weekly disinfectant residual monitoring, as required by 30 TEX. ADMIN. CODE § 290.110;
  - xii. Begin submitting quarterly distribution reports to the TCEQ no later than tenth day of the month following the reporting period, as required by 30 Tex. Admin. Code § 290.110;
  - xiii. Conduct and record the results of annual inspections of the pressure tank, as required by 30 TEX. ADMIN. CODE § 290.46;
  - xiv. Develop and maintain an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN CODE § 290.121; and
- b. Within 60 days after the effective date of this Agreed Order;
- i. Conduct a feasibility investigation which will evaluate alternate water sources and viable treatment technologies to correct Chloride, Sulfate, and Total Dissolved Solids violations. The investigation is to be repeated at three year intervals as long as Total Dissolved Solids violations exist, as required by 30 TEX. ADMIN. CODE § 290.118; and
- c. Within 75 days after the effective date of this Agreed Order;
- i. Submit a written report of each feasibility investigation to:  
  
Drinking Water Quality Team, Public Water Section  
Water Supply Division, MC 155  
P.O. Box 13087  
Austin, Texas 78711-3087
  - ii. Submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Corrective Action Ordering Provision Nos. 13.a. through 13.c.i. The certification shall be notarized by a

State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Cliff Moore, Water Section Manager  
Texas Commission on Environmental Quality  
Abilene Regional Office  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon Swenson WSC. Swenson WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Swenson WSC shall be made in writing to the Executive Director. Extensions are not effective until Swenson WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Swenson WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Swenson WSC, or three days after the date on which the Commission mails notice of the Order to Swenson WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

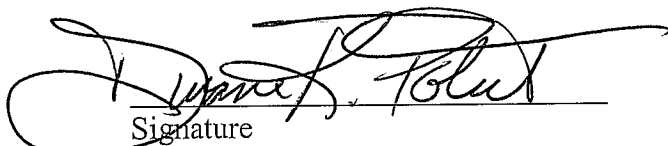
4/14/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

2-9-09  
Date

DWANE K. Poteet  
Name (Printed or typed)  
Authorized representative of  
Swenson Water Supply Corporation

President  
Title